

42390P12403

**Remarks**

Reconsideration of this application is requested. Claims 1, 11, 19 and 24 have been amended. Claims 1-28 remain in the application.

**Response to the 35 U.S.C. §103(a) Rejection**

The Office Action rejects claims 1, 4-6, 11-12, 16, 19-20 and 24-25 under 35 U.S.C. 103(a) as being unpatentable over Laurila et al. (U.S. 6,591,116) and Bridges et al. (U.S. 6,546,246), further in view of Akhterzzaman et al. (US 2003/0008644).

**Rejection of claims 1, 4-6**

Applicants' claim 1 recites, among other things, a service module to provide the classmark with a status or availability of an application scheduled to execute within the mobile communication device. A communication module is adapted to permit a first wireless network to update information to modify the classmark and alter how the mobile communication device interacts with a second wireless network to receive application updates.

Support for the amended language of Applicant's claim 1 may at least be found in the specification on page 13, lines 1-11, and further on page 19, lines 7-14.

Laurila et al. teach a mobile communication device having a communication module. SIM and USIM applications are shown having different capabilities that allow operation in two different types of networks, with roaming permitted between those two networks. Laurila et al. teach in column 7, lines 56-59, that should a roaming agreement be in place between the two networks, that either network may then request and receive the capability of its own application or the others application(s). The Examiner states that Laurila fails to disclose "a first wireless network to modify the classmark to alter how the mobile communication device interacts with a second wireless network with the communication module." The Examiner then states that Bridges provides this teaching.

The reference of Bridges shows in column 9, lines 52-61, that a user terminal stores in a memory device 67 a Preferred System Identification List (PSL) and an Intelligent Roaming Database (IRDB). The PSL/IRDB provides the mobile station with the frequency bands and the services provided by the subscriber to communicate in different networks.

42390P12403

The Examiner relies upon the reference of Akhterzzaman to disclose the modification of the classmark. Akhterzzaman teaches on page 2 and paragraph 0016 that particular types of information (such as restricted-use, location information) may be transmitted to a communication device. The communication device may then activate or deactivate processes as optionally selected by the user.

Thus, the three references taken together teach a mobile communication device having different capabilities that allow operation in two different types of networks (Laurila et al.). Frequency bands and services (classmark data) are provided by a subscriber to allow the mobile station to communicate in different networks (Bridges). The classmark data may be modified (Akhterzzaman).

However, the three references, either taken singularly or in combination, do not teach several claimed features as recited in Applicant's amended claim 1. Namely, that a service module provides the classmark with a status or availability of an application scheduled to execute within the mobile communication device. Then, based on the status or availability a communication module is adapted to permit a first wireless network to update information to modify the classmark and alter how the mobile communication device interacts with a second wireless network in receiving application updates. Accordingly, the relied upon references do not teach or suggest at least these features of Applicant's claim 1 and the rejection under 35 U.S.C. 103(a) should be withdrawn.

Rejected claims 4-6 depend directly from base claim 1 and are believed allowable for at least the same reasons as Applicant's claim 1.

#### **Rejection of claims 11, 12 and 16**

Applicant's amended claim 11 recites updating a classmark with a status or availability of Java scripts that allow an application to execute within the portable communication device and sending data from the first network to modify the classmark of the portable communication device.

Support for Applicant's amended claim 11 may be found in the specification at least on page 13, lines 12-19.

Neither Laurila et al., Bridges, or Akhterzzaman teach that a classmark is updated with a status or availability of Java scripts that allow an application to execute

42390P12403

within the portable communication device. Accordingly, the relied upon art does not teach or suggest Applicant's claim 11 and the rejection under 35 U.S.C. 103(a) should be withdrawn.

Rejected claims 12 and 16 depend directly from base claim 11 and are believed allowable for at least the same reasons as Applicant's claim 11.

#### **Rejection of claims 19-20**

Applicant's claim 19 recites, among other things, checking the classmark for a status or availability of an application that executes within the portable communication device.

As previously mentioned, neither Laurila et al., Bridges, nor Akhterzzaman teach that a classmark includes a status or availability of an application that executes within the portable communication device. Applicant would like to emphasize that Laurila et al., Bridges, and Akhterzzaman are not being attacked separately. But instead, Applicant would like to respectfully point out how each is devoid of claimed elements so that, by default, the combination is also devoid of at least some of the features of Applicant's claimed invention.

Since claim 20 depends from claim 19, Applicant believes the rejection of claim 20 has been overcome for at least the same reason.

#### **Rejection of claims 24-25**

Applicant's claim 24 recites, among other things, updating a classmark with a status of applications available to execute within a portable communication device, then polling a portable communication device from a first network to determine the classmark of the portable device, and initiating a process to update and modify the classmark of the portable communication device with a command from the first network.

Applicant's claim 24 includes updating a classmark with a status of applications available to execute within a portable communication device. At least this feature of Applicant's claim 24 is not found in the Laurila et al., Bridges, or Akhterzzaman references, and therefore, Applicant believes the rejection of claim 24 should be withdrawn.

42390P12403

**Response to the 35 U.S.C. §103(a) Rejection**

The Examiner includes the references of Laurila et al., Bridges et al., Akhterzzaman and Rousseau et al., further in view of Vestergaard et al. or Rosenberg et al. or Roel-Ng et al. in a rejection of claims under 103(a), stating that the combination is based on the references being in an analogous art. It is pointed out to the Examiner that the inclusion of these separate references under a 103(a) rejection needs a further basis, namely, a motivation to combine as stated in the references themselves. There is no such statement in the references themselves to combine the features selected by the Examiner, and therefore, the Applicant believes the rejection should be withdrawn. The 103(a) rejection appears to be based on hindsight in combining the references.

**Rejection of claims 2-3**

The Office Action rejects claims 2-3 under 35 U.S.C. 103(a) as being unpatentable over Laurila et al. and Bridges et al. and Akhterzzaman further in view of Rousseau et al.

The Examiner relies on Rousseau et al. to disclose a communication module and an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network. Again, amended claim 1 includes features mentioned above that are not taught or suggested by the combined references of Laurila et al., Bridges et al. and Akhterzzaman. It is further pointed out that the addition of the Rousseau et al. reference still does not render Applicant's claim 1 unpatentable over the art of record.

Claims 2-3 depend, either directly or indirectly, from Applicant's claim 1 and are believed to be allowable for at least the same reasons as claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-3.

**Rejection of claims 7-8, 13-15, 22-23 and 27-28**

The Office Action further rejects claims 7-8, 13-15, 22-23 and 27-28 under 35 U.S.C. 103(a) as being unpatentable over Laurila et al., Bridges, Akhterzzaman, further in view of Vestergaard et al.

42390P12403

The Examiner relies on Vestergaard et al. to disclose that a mobile communication device disables communication between the mobile communication device and a second wireless network. Indeed, Vestergaard et al. teach in paragraph [0011] that a handover between cells of different networks may be permitted or barred dependent upon certain predetermined control data included as a classmark (see paragraph [0012]).

However, amended claim 1 includes features as described above that are not taught or suggested by the combined references of Laurila et al., Bridges et al., Akhterzzaman and Vestergaard et al. Thus, the addition of Vestergaard et al. as a reference still does not render Applicant's claim 1 unpatentable over the relied upon art of record. It is noted that none of the references include a service module to provide the classmark with a status or availability of an application scheduled to execute within the mobile communication device. Claims 7-8 depend from Applicant's claim 1 and are believed to be allowable for at least the same reasons as claim 1. The rejection of claims 7-8 under 35 U.S.C. 103(a) should be removed.

Similarly, Applicant's claims 13-15 depend from Applicant's claim 11 and are believed to be allowable for at least the same reasons as claim 11. None of the references of Laurila et al., Bridges et al., Akhterzzaman and Vestergaard et al. include updating a classmark with a status or availability of Java scripts that allow an application to execute within the portable communication device. Thus, the rejection of claims 13-15 under 35 U.S.C. 103(a) should be removed.

Applicant's claims 22-23 depend from Applicant's claim 19 and are believed to be allowable for at least the same reasons as claim 19. Applicant's claim 19 recites checking the classmark for a status or availability of an application that executes within the portable communication device. At least this feature of Applicant's claim 19 is not taught or suggested by the combination of the relied upon references and the rejection of claims 22-23 should be removed.

Applicant's claims 27-28 depend from Applicant's claim 24 and are believed to be allowable for at least the same reasons as claim 24. Applicant's claim 24 recites updating a classmark with a status of applications available to execute within a portable communication device, a feature that is not found in the relied upon references. The rejection of claims 22-23 under 35 U.S.C. 103(a) should be removed.

42390P12403

**Rejection of claims 9-10, 21 and 26**

The Office Action further rejects claims 9-10 and 21-26 under 35 U.S.C. 103(a) as being unpatentable over Laurila et al., Bridges, Akhterzzaman, further in view of Roel-Ng et al.

The Examiner depends on Roel-Ng et al. to teach that a mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide a user with a service. Claims 9-10 depend from Applicant's claim 1 and are believed to be allowable for at least the same reasons as claim 1. At a minimum, the rejection of claims 9-10 are improper in that Laurila et al., Bridges, Akhterzzaman, and Roel-Ng et al. fail to teach or suggest every feature of Applicant's base claim 1, namely, that a service module provides the classmark with a status or availability of an application scheduled to execute within the mobile communication device.

Claim 21 depends from Applicant's claim 19 and is believed to be allowable for at least the same reasons as claim 19.

Claim 26 depends from Applicant's claim 24 and is believed to be allowable for at least the same reasons as claim 24.

**Rejection of claims 17-18**

The Office Action further rejects claims 17-18 under 35 U.S.C. 103(a) as being unpatentable over Laurila et al., Bridges, Akhterzzaman, further in view of Rosenberg et al.

Without conceding the appropriateness of the combination of Laurila et al., Bridges, Akhterzzaman, and Rosenberg et al., Applicant respectfully submits that the combination does not meet the requirements of an obvious rejection in that the combination of references does not teach or suggest updating a classmark with a status or availability of Java scripts. Since none of the relied upon references contain any teaching or suggestion of this feature, these relied upon references cannot provide a proper rejection under 35 U.S.C. §103(a). Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 17-18.

42390P12403

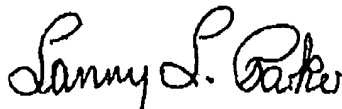
**Conclusion**

Applicants herewith petition the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated March 14, 2005, for 1 month. Please charge Deposit Account #50-0221 in the amount of \$120.00 for a one month extension. Should it be determined that an additional fee is due under 37 CFR §1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

The foregoing is submitted as a full and complete response to the Office Action mailed, and it is submitted that claims 1-28 are in condition for allowance. Reconsideration of the rejection of claims is requested and the allowance of amended claims is earnestly solicited.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 715-5388 is respectfully solicited.

Respectfully submitted,  
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